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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,585	02/10/2004	Mark A. Anderson	03145P	2147
27804	7590	05/02/2006	EXAMINER	
HOLLAND & BONZAGNI, P.C. 171 DWIGHT ROAD, SUITE 302 LONGMEADOW, MA 01106-1700			WOOD, KEVIN S	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,585

Applicant(s)

ANDERSON ET AL.

Examiner

Kevin S. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37 is/are allowed.
- 6) ☒ Claim(s) 15-17 and 29 is/are rejected.
- 7) ☒ Claim(s) 18-28,30-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Response to Amendment

1. This action is responsive to the Amendment received on 8 February 2006. Claims 1-15 have been previously withdrawn. Claims 15, 21, 22, 27 and 28 have been amended. New claim 37 has been added. Claims 15-37 are pending in the application.

Response to Arguments

2. Applicant's arguments filed on 8 February 2006 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed the applicants arguments but firmly believe the cited reference(s) to reasonably and properly meet the claimed limitations. The applicant's primary argument is that U.S. Patent No. 6,453,097 to Newton et al. does not disclose all the limitations of amended claims 15, 17 and 29. Specifically the applicant argues that the Newton et al. reference fails to teach or even remotely suggest the use of grafted or modified fluoropolymers in the buffer region (28) of its buffered optical fiber (32). The examiner respectfully disagrees with this argument. The Newton et al. clearly discloses that the buffer region regions or coatings (36) which may be made from a modified fluoropolymer such as Solef 32008.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15-17 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,453,097 to Newton et al.

Referring to claims 15-17, the Newton et al. reference discloses an optical fiber cable, comprising: at least one optical fiber (22,24); a primary buffer member (28); a secondary buffer member (36) circumferentially surrounding the primary buffer member, where the secondary buffer member is prepared from a fluoropolymer material; a strength member (42) circumferentially surrounding the secondary buffer member; and an outer protective jacket (44) circumferentially surrounding the strength member. The Newton et al. reference does not appear to specifically disclose that when the optical fiber cable is tested in accordance with Boeing Specification Support Standard BSS 7324 (December 2, 1998) Smoke Emission Test Method, the cable produced, at four minutes in the flaming mode, a smoke with a specific optical density of less than 100, or less than 80, or less than 50. According to section 2112.01 of the MPEP, in a product claim, when the structure recited in the reference is substantially identical to that of the claims, the claimed properties or functions are presumed to be inherent. It is the

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examiner's opinion that the structure within the reference is substantially identical to the structure of the claims. Therefore the testing properties as claimed would be inherent to the optical fiber cable disclosed by Newton et al. See Fig. 2 along with its respective portion of the specification.

Referring to claim 29, the Newton et al. reference discloses that the strength member (42) is in the form of polyaramid yarn, such as Kevlar and Nomex. See Fig. 2 along with its respective portion of the specification.

Allowable Subject Matter

5. Claims 18-28 and 30-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claim 37 is allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S. Wood whose telephone number is (571) 272-2364. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin S. Wood
Patent Examiner